1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT TACOMA 9 10 No. 3:19-cv-5106 DANIEL MITCHELL, ROBIN BALL, LUKE 11 RETTMER, ARMEN TOOLOEE, DECLARATION OF MATTHEW C. NATHANIEL CASEY, MATTHEW WALD, 12 SECOND AMENDMENT FOUNDATION, and ALBRECHT IN SUPPORT OF PLAINTIFF'S RESPONSE TO 13 NATIONAL RIFLE ASSOCIATION, DEFENDANT'S MOTION TO 14 EXCLUDE EXPERT TESTIMONY OF Plaintiff, SHERIFF OZZIE. KNEZOVICH 15 VS. 16 CHUCK ATKINS, in his official capacity as the Sheriff of Clark County, Washington, 17 CRAIG MEIDL, in his official capacity as the Chief of Police of Spokane, Washington, and 18 TERESA BERNTSEN, in her official capacity 19 as the Director of the Washington State Department of Licensing 20 Defendants. 21 22 I, Matthew C. Albrecht, hereby declare under oath and penalty of perjury under 23 the laws of Washington State: 24 1. I am one of the attorneys for the Plaintiff in this case. I am competent to 25 be a witness and all statements contained in this declaration are based on personal 26 knowledge. 27 28 No. 3:19-cv-5106 ALBRECHT LAW & DECLAR OF MCA ISO PLTFF'S RESP TO DEF'S 421 W Riverside Ave. STE 614 MTN TO EXCLUDE EXPERT TESTIMONY OF Spokane, WA 99201 (509) 495-1246

SHERIFF O. KNEZOVICH

Page 1 of 4

- 2. We did not receive Mr. Jones' email demanding a conference relating to his planned motion to exclude Sheriff Knezovich until late afternoon of Friday, March 6, during a time our team was engaged in final work on our motion for summary judgment and many other pressing matters. Nonetheless, I responded to Mr. Jones before 8 a.m. the next day, Saturday, March 7th, explaining the scheduling conflicts and offering to follow up by the following Thursday. Mr. Jones then objected and claimed his email demanded immediate attention, so I reviewed our email correspondence as he requested. In doing so, I confirmed what I had previously believed to be the case, that emails between our office and Sheriff Knezovich fell within the privileged communications categories described by FRCP 26(b)(3)(A) and (b) and FRCP 26(b)(4)(B) and (C) and none were discoverable. ECF 78-2, pp. 255-56 (attached to ECF 78, Decl. of Zachary P. Jones) is a copy of the letter dated March 9, 2020 that I sent to Mr. Jones to promptly advise him of that fact.
- 3. Between November 4, 2019 and December 18, 2019, five emails were exchanged all of which related to logistics for a meeting, follow up to that meeting, Knezovich's draft report, background and expertise of Knezovich, and case deadlines. On January 9, 2020, DeWolf and Knezovich emailed relating to the scheduling of the deposition the Defendants had requested. On Sunday, February 2, 2020, Knezovich emailed a .zip file to DeWolf containing the records which were then indexed and printed on Monday February 3, 2020, then provided to Defendants' counsel on February 4, 2020 prior to the Knezovich deposition.
- 4. None of these emails included discussion of compensation, facts or data being provided from the attorney to the expert for his consideration of forming any opinion, or any assumptions provided to the expert to be relied upon in forming any opinions.
- 5. Exhibit A to this Declaration are true and correct excerpts from the transcript of the Deposition of Ozzie Knezovich on February 4, 2020. The most relevant

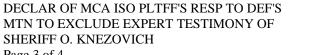
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1	sections cited in Plaintiffs' brief have been emphasized for the Court's convenience with
2	underlining.
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4	DATED March 23, 2020
5	ALBRECHT LAW PLLC
6	Attorneys for Plaintiff
7	
8	/s/ Matthew C. Albrecht
9	Matthew C. Albrecht, WSBA #36801
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CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury under the laws of the United States, that on this date I electronically mailed the foregoing document upon the following:

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No. 3:19-cv-5106

DECLAR OF MCA ISO PLTFF'S RESP TO DEF'S MTN TO EXCLUDE EXPERT TESTIMONY OF SHERIFF O. KNEZOVICH Page 4 of 4

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Attorneys for Defendant Meidl, City of Spokane

Signed at Spokane, Washington on March 23, 2020.

/s/ Melanie A. Evans Melanie A. Evans, Paralegal

